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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

May 14, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

**Re: U.S. Patent No. 8738103 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8738103 (the "8738103 Patent"). After preliminary review, we have substantial concerns about the validity, enforceability, and scope of the asserted claims, summarized below. We reserve all rights and defenses.

## **1. Subject Patent — Summary**

Patent Analysis: US 8,738,103 B2

Date of Analysis: April 30, 2026

Patent Number: 8,738,103

Title: Multiple-body-configuration multimedia and smartphone multifunction wireless devices

Key Information

- Assignee: Fractus, S.A.
- Inventors: Carles Puente Baliarda, Josep Mumbru, and Jordi Ilario.
- Filing Date: December 21, 2006
- Issue Date: May 27, 2014
- Abstract: The patent describes a multifunction wireless device, such as a smartphone or multimedia device, that has at least two body portions that can move relative to each other (e.g., slide, twist, or clamshell). The device includes a specialized internal antenna system designed for these complex, multi-part configurations....

## **2. Validity Concerns under 35 U.S.C. § 102 — Prior Art**

We have identified prior-art references that, in our preliminary view, anticipate one or more asserted claims of the 8738103 Patent:

Analysis of Prior Art Cited in U.S. Patent No. 8,738,103

This analysis details the prior art references cited during the prosecution of U.S. Patent No. 8,738,103. Each reference is examined for its potential to anticipate the patent's claims under 35 U.S.C. § 102, which pertains to novelty and requires that a single prior art reference disclose every element of a claimed invention.

U.S. Patent Documents

- U.S. Patent No. 6,339,401 B1: "Antenna for a radio communication apparatus"

Publication Date: January 15, 2002

Filing Date: June 8, 1999

Assignee: Mitsubishi Denki Kabushiki Kaisha

Description: This patent describes a dual-band planar inverted-F antenna (PIFA) designed for mobile communication devices. The antenna structure includes a parasitic element to create a second resonant frequency, enabling operation in two frequency bands, such as the 900 MHz and 1800 MHz bands used by GSM.

Potential Anticipation: This reference is relevant to the general concept of a multi-band internal antenna for a mobile device. However, it does not disclose a "multifunction wireless device"...

### **3. Obviousness under 35 U.S.C. § 103**

Independent of § 102, we believe the asserted claims are obvious in view of combinations of prior art that a person having ordinary skill in the art would have been motivated to combine:

Obviousness Analysis of U.S. Patent No. 8,738,103

This analysis evaluates the patentability of the independent claims of U.S. Patent No. 8,738,103 ("the '103 patent") under 35 U.S.C. § 103, focusing on whether the claimed invention would have been obvious to a person of ordinary skill in the art (POSITA) at the time the invention was made. The analysis is based on the prior art references cited in the patent's file wrapper.

The central inventive concept of the '103 patent appears to be the application of a specific geometric complexity, defined by "complexity factors" F21 and F32, to an antenna system within a multifunction wireless device (MFWD) that has either a multi-body structure (Claim 1), smartphone capabilities (Claim 15), or multimedia features (Claim 28). A successful obviousness argument would require combining prior art references that teach these elements and demonstrating a motivation to combine them.

Person of Ordinary Skill in the Art (POSITA)

A POSITA at the time of the invention (around the 2006 filing date) would be an electrical engineer or a physicist with a...

### **4. Litigation History of the Patent**

Public records reflect that the 8738103 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Fractus, S.A. v. TCL Communication Technology Holdings, Ltd. et al. — 2:22-cv-00412 · U.S. District Court for the Eastern District of Texas · filed 2020-04-03 · Outcome not publicly disclosed
- Fractus, S.A. v. BLU Products, Inc. — 2:22-cv-00413 · U.S. District Court for the Eastern District of Texas · filed 2022-10-26 · Status not publicly available

• Fractus, S.A. v. Unified Patents, LLC — IPR2024-00087 · U.S. Patent Trial and Appeal Board (PTAB) · Terminated

## 5. Request

In light of the foregoing, we request that your client (i) provide a detailed claim chart identifying each accused product or service and mapping every limitation of each asserted claim, (ii) identify any prior art known to your client, including any references cited during prosecution or reexamination, and (iii) substantiate the basis for any damages or licensing demand. We are prepared to discuss the matter further once we have received and reviewed the foregoing.

Sincerely,

[Your Name]

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